UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,768	11/15/2001	Jack M. Birnbaum	GIC-575	7511

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EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/980,768	BIRNBAUM ET AL.
Office Action Summary	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-89</u> is/are pending in the application.

    4a) Of the above claim(s) <u>27-87</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26,88 and 89</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the RCE filed on October 31 2005. Claims 1-26 and

88-89 are presented for examination. Applicant had previously withdrawn claims 27-87

from consideration.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31 2005

has been entered.

Claim Objections

3.   Claims 1, 9, and 13 are objected to because of the following informalities:

* "first middleware" (independent claim 1, line 5) should read "a first middleware"

* the abbreviations (e.g., DOCSIS and PID) used in these claims should be defined.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-26 and 88-89** are rejected under 35 U.S.C. 102(b) as being anticipated by

Thrift et al. *"JTV-Java-enable Television"*, pp. 117-122.

__As to claim 1,__ Thrift teaches *(see fig.1 and pp. 118-119)* the invention as claimed

including an interface *(e.g., JTV APIs)* to core system software *(e.g., device drivers, a*

Java Virtual Machine) in a user terminal *(e.g., STB/TV hardware)*, comprising:

        a computer readable medium having computer program code *(is inherent to the*

system of Thrift); and

        means for executing *(e.g., a TV-oriented RTOS)* the computer program code to

provide at least one software interface between: first middleware *(e.g., Java APIs*

including JTV) with the user terminal and the score system software within the user

terminal *(e.g., see the discussion on page 118, last full paragraph and fig.1)*;

        the middleware mediating between an application program *(e.g., a user*

application) and the core system software *(e.g., see the discussion on page 118, last full*

paragraph and fig.1); and

the software interface enabling the application program to access a function *(e.g.*

functions) of the user terminal provided by the core system software via the middleware

(e.g., see the JTV API functions discussion, beginning at section 2, page 118);

wherein the software interface enables compatibility between: the core system

software within the user terminal and a second different middleware *(e.g., JMF,*

PersonalJava) resident within the user terminal *(e.g., see the discussion on page 118, last*

full paragraph and fig. 1).

As to claim 2, Thrift teaches the function of the user terminal comprises acquiring a

service *(e.g., video on demand...pay-per-view see page 118, section 2, line 16).*

As to claim 3, Thrift teaches acquiring a service by tuning a specified virtual channel

number *(e.g., logical channel numbers)* or source ID using a specified service path *(e.g.,*

see page 118, section 2, lines 8-9).

As to claim 4, Thrift teaches determining the status of a service *(e.g., monitors...quality*

of service; page 118, section 2, line 5).

As to claim 5, Thrift teaches requesting status information regarding a currently-tuned

primary service on a specified service path *(e.g., query interfaces to program guide data;*

the particular record format can be service provider dependent; page 118, lines 18-19).

As to claim 6, Thrift teaches registering a client for unsolicited service status updates for a currently tuned primary service on a specified service path *(e.g., see the Personal Agent Service discussion at line 6, section 6, page 121).*

As to claim 7, Thrift teaches canceling a registration for service status updates that was previously set up *(e.g., see section 5, last full paragraph).*

As to claim 8, Thrift teaches obtaining a summary of current Virtual Channel Table information for all defined virtual channels *(e.g., see section 2, lines 8-9).*

As to claim 9, Thrift teaches obtaining a summary of current Virtual Channel Table information and characteristics for all defined DOCSIS downstream channel *(e.g., see section 2, lines 12-13).*

As to claim 10, Thrift teaches adding a service component of a specified type to a primary service on a specified service path *(e.g., see the discussion in section 5, pp. 120-121).*

As to claim 11, Thrift teaches deselecting a specified component from a primary service on a specified service path *(e.g., see the discussion in section 5, pp. 120-121).*

As to claim 12, Thrift teaches selecting a service component that carries particular

multicast datagrams *(e.g., see the discussion in section 6, page 121)*.

As to claim 13, Thrift teaches extracting datagram fragments from datagram sections

being carried on one or more elementary PID stream components *(e.g., see the discussion*

in section 2, lines 8-9).

As to claim 14, Thrift teaches deselecting a specified stream component that was

previously selected *(e.g., see the discussion in section 5, pp. 120-121)*.

As to claim 15, Thrift teaches requesting message from a text or data-service component

that was previously selected *(e.g., see the discussion in section 6, page 121)*.

As to claim 16, Thrift teaches the function of the user terminal comprise, among other

things, acquiring downstream data from a specified service source *(e.g., JTV can utilize*

downstream; page 118, lines 6-7).

As to claim 17, Thrift teaches receiving data or text from a specified background service

connection that was previously acquired *(e.g., see the discussion in section 2, line 20)*.

As to claim 18, Thrift teaches obtaining at least one virtual channel number associated

with a specified source identifier *(e.g., see the discussion in section 2, lines 8-9)*.

As to claim 19, Thrift teaches obtaining a source identifier associated with a specified virtual channel number *(e.g., see the discussion in section 2, lines 8-9).*

As to claim 20, Thrift teaches obtaining a list of pending changes to a Virtual Channel Table *(e.g., see the discussion in section 5, pp. 120-121).*

As to claim 21, Thrift teaches obtaining a Defined Channel Bit Map for a specified channel type that represents currently defined virtual channels/services *(e.g., see the discussion in section 2, lines 8-9).*

As to claim 22, Thrift teaches identifying a next audio and/or video component for a service *(e.g., see the discussion in section 2, lines 10-11).*

As to claim 23, Thrift teaches obtaining a virtual channel number associated with a specified application identifier *(e.g., see the discussion in section 2, lines 8-9).*

As to claim 24, Thrift teaches obtaining an application identifier associated with a specified Virtual Channel Number *(e.g., see the discussion in section 2, lines 8-9).*

As to claim 25, Thrift teaches obtaining an application identifier associated with a specified source name string *(e.g., see the discussion in section 2, lines 18-19).*

As to claim 26, Thrift teaches obtaining a source name string identifier associated with a

specified application ID *(e.g., see the discussion in section 2, lines 18-19).*

As to claim 88, Thrift teaches the user terminal comprises a television user terminal *(e.g.,*

TV hardware; page 118, line 21).

As to claim 89, it is directed to a method for presenting the system of claim 1, and is

similarly rejected under the same rationale.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-26 and 88-89 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record on the P.T.O. 892 has not been relied upon and is considered

pertinent to applicant's disclosure. Careful consideration of the cited art is required prior

to responding to this Office Action, see 37 C.F.R. 1.111(c).

Contact Information

7.   Any inquiry or a general nature or relating to the status of this application should
be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272
3765. The examiner can normally be reached on Monday-Thursday from 8:30AM –
6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.
The fax phone number for the organization where this application or proceeding is
assigned is **(571) 273-8300.**

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

Examiner Van H. Nguyen
Art Unit 2194